<center>**Remarks**</center>

**Objection to the specification**

Paragraph [0007] has been amended by removing the hyperlink.

**Rejections under 35 U.S.C. § 101**

Claims 74-80 were rejected under 35 U.S.C. § 101. Claims 74-80 have been cancelled, thus obviating this rejection.

**Rejections under 35 U.S.C. § 102**

Claims 1-80 were rejected under 35 U.S.C. § 102 as being anticipated by the Conference Composer User Guide (referred to herein as "CCUG"). Applicants respectfully traverse. The rejections of the independent claims and most of the dependant claims are discussed below. Dependant claims not specifically addressed are patentable at least by virtue of the fact that they include all of the limitations of their respective independent claims and some of these limitations are not taught by the cited reference.

The Office Action articulates a single rejection of claims 1, 14, 31, 44, 61, and 74. This rejection is addressed here, with reference to claim 1.

Claim 1 is directed to a method of initializing user interface software for controlling an audio conferencing device. As will be apparent from the following discussion, Claim 1 references two programs—(1) user interface software for controlling an audio conferencing device; and (2) a set up program that is used to initialize the controlling software. The rejection of claim 1 over CCUG is deficient because CCUG does not teach these two programs. Conference Composer (the software that is the topic of CCUG) is an example of user interface software for controlling an audio conferencing device. But CCUG does not teach the second program, i.e., the set up program, because CCUG does not teach any program that is capable of performing all of the functions recited by the claims as being performed by the set up program.

Claim 1 recites:

(a) executing a set up program on a computer;

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The Office Action alleges that this limitation is taught in the CCUG at page 2. Specifically, the Office Action quotes the text: "insert disk into CD-ROM drive and run the Set up Program." However, the quoted text is clearly directed to the <u>installation program</u> used to install Conference Composer onto a computer. This is apparent in considering the context of the quoted text:

> Insert the Conference Composer disk into your CD-ROM drive and run the SETUP program. If you have a previously installed version of Conference Composer on your computer, it is highly recommended that you uninstall that version (use Add/Remove Program from the CONTROL PANEL window) before installing the latest version.
>
> After running the Setup program, simply follow the instructions for installing Conference Composer.

It is apparent that running this SETUP program simply results in a version of Conference Composer being installed on the computer. This installation program is not a set up program as recited in the claim because the claim also recites additional steps (b)-(f) that are performed by the set up program of the claim and CCUG does not teach that such steps are performed by the cited installation SETUP program. For example, claim 1 also recites:

> (b)    selecting at least one audio input from *the* set up
> program;

(emphasis added). The "the" in element (b) indicates that the set up program referenced in element (b) is the <u>same</u> set up program recited in element (a). But the installation program cited in the Office Action as anticipating element (a) does not provide any mechanism for selecting at least one audio input; rather, the installation program only allows a version of Conference Composer to be installed on a computer.

The Office Action refers to Fig. 6 and pages 8-10 of CCUG in rejecting elements (b)-(g). However, these sections of CCUG are directed to Conference Composer itself, not to the installation program used to install Conference Composer onto a computer. The rejection of Claim 1 under 35 U.S.C. § 102 is improper on this basis because the rejection references two different programs (i.e., (1) the installation program, and (2) the

Conference Composer program) to meet limitations that the claim requires be performed by a single program (i.e., the set up program). Thus, CCUG cannot meet every element of the recited claim as required to support a prima facie rejection under 35 U.S.C. § 102.

Furthermore, the Conference Composer program itself cannot meet elements (b)-(g) of claim 1 and thus itself is not a set up program, as recited in the claim. Elements (b)-(d) require selecting an audio input (element (b)), an audio output (element (c)), and an audio conferencing device (element (d)), each from the set up program. Conference Composer (and thus CCUG) does not provide an option for selecting an audio input or an audio output from the set up program. The inputs referenced in Figs. 6 and 7 of CCUG are not audio input devices that can be selected, but rather are the input ports of the audio conferencing device. Conference Composer allows the user to label these ports, "mic 1," "mic 2," etc., but does not allow a user to select a particular input to map to the input port of the conferencing device. Likewise, Conference Composer does not allow a user to select output from the program, but only to label output ports with text labels.

Element (e) recites:

> (e) using the set up program to electronically map the inputs and outputs to input and output ports on the audio conference device;

Element (e) requires that the inputs that were selected from the set up program be electronically mapped to input ports of the audio conference device and that the outputs selected from the set up program be electronically mapped to output ports of the audio conference device. As mentioned above, Conference Composer only allows the user to select an audio conferencing device and then displays this device, as shown in Fig. 6. The inputs shown in Fig. 6 are the input ports of the selected audio conferencing device. These input ports are not populated by electronically mapping selected audio inputs onto these ports, but rather, the ports are simply labeled with text, for example, "mic 1," "mic 2," etc.

In sum, CCUG does not teach elements (b)-(e). Rather, CCUG teaches selecting an audio conferencing device (Fig. 6) and using Conference Composer to map inputs of the audio conferencing device to outputs of the audio conferencing device. See sequence of Figs. 6-12 and related discussion pages 8-16 of CCUG. According to CCUG, a user

selects an audio conferencing device (Fig. 6), types in text labels for the input ports (Fig. 7), and maps the signal flow from the input ports through the audio device to the output ports (Figs. 8-12).

Furthermore, CCUG does not teach element (g) of claim 1, which recites:

> g) electronically transferring the mapping parameters to the
> user interface software

In rejecting elements (b)-(f) over CCUG, it must be assumed that Conference Composer is the set up program referenced in these elements. Assuming, *arguendo*, that this is the case, then Conference Composer cannot meet claim (g) because Conference Composer does not electronically transfer mapping parameters defined by Conferencing Composer (element (f)) to another program (i.e., to a user interface program). Actually, Conference Composer itself is the user interface software as recited in element (g) of claim 1 and CCUG simply does not teach a set up program as recited in elements (a)-(f). But, even assuming arguendo that Conference Composer can be a set up program, then in that case, Conference Composer cannot be considered as the user interface software. Thus, CCUG cannot anticipate claim 1 because CCUG does not teach every element of the claim.

Claims 14, 31, 44, 61, and 67 each include at least the selecting and mapping limitations discussed above and thus are not anticipated by CCUG.

Regarding the rejection of claim 2 (and claims 15, 32, 45, 62, and 68), the Office Action references Fig. 6 and page 8 of CCUG as teaching the limitations:

> wherein step (f) further comprises using the set up program
> to define audio optimization parameters for the inputs or
> outputs, and where step (g) further comprises electronically
> transferring the audio optimization parameters to the user
> interface software.

This rejection is defective for several reasons. First, Fig. 6 and page 8 of CCUG are directed to the function of the Conference Composer program itself, whereas the elements of claim 2 are directed to actions performed by the set up program. This rejection is thus inconsistent with the rejection of claim 1, wherein the installation program was alleged to be the set up program recited in the claims. Furthermore, even assuming *arguendo* that Conference Composer can be considered the set up program, Conference Composer still cannot meet the limitations of claim 2, because claim 2

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requires that the set up program (1) define audio optimization parameters from the inputs or outputs, and (2) transfer the audio optimization parameters to the user interface software. If Conference Composer is the set up program according to the claim, then Conference Composer cannot be the user interface software. CCUG does not teach or suggest any other software that can be the recited user interface software and thus does not anticipate claim 2.

The Office Action alleges that claims 3, 16, 33, 46, 63, and 69 are anticipated by CCUG because Fig. 6, page 8 allegedly teaches that the audio optimization parameters are dependent on the basis of the selected inputs or outputs. Referring to Fig. 6 (and more specifically Fig. 7), the Inputs represent input ports of the selected audio conferencing device. A user can associate a text label with an input port (for example, "mic 1"), but there is no provision for associating an actual input device with a given port. Further, claim 3 requires that the audio optimization parameter be dependant on the basis of the selected input or output. CCUG does not teach any such dependence. Even assuming arguendo that typing a text label into a given port can be construed as associating an input device with an input port, CCUG does not teach that any optimization parameter is dependant the label assigned to a given port. Thus CCUG cannot anticipate claim 3.

Claims 4, 17, 34, 47, 64, and 70 were rejected based on the allegation that page 8 of CCUG teaches that step (d) (i.e., selecting at least one audio conferencing device from the set up program) is accomplished automatically by the set up program on the basis of the selected input and outputs. However, page 8 does not teach automatically selecting an audio conferencing device based on selected inputs and outputs. Rather, page 8 of CCUG teaches selecting an audio conferencing device and then labeling the input ports with a given text label. This rejection of claim 4 contradicts the rejection of claims 1 and 3, wherein it was alleged that the step of labeling the inputs in Fig. 6 constitutes selecting an audio input, because according to Fig. 6 and page 8, an audio device must first be selected and the SYSTEM page for that device must be selected before the input ports can be labeled (the alleged step of selecting an input). If the audio conferencing device must be selected before the input can be selected, then clearly the audio conference device cannot be selected automatically based on the selected input, as required by claim 4.

Claims 5, 18, 35, and 48 were rejected based on the allegation that CCUG teaches that step (d) (i.e., selecting at least one audio conferencing device from the set up program) is further accomplished on the basis of a selectable optimization option. The Office Action cited pages 8-9 and page 26 of CCUG for support for this allegation. This rejection is deficient for the same reasons explained with regard to claims 4, 17, 34, 47, 64, and 70. Page 26 is directed to using a modem with the audio conferencing device controller and is simply irrelevant to claim 5 because page 26 has nothing to do with optimization parameters for the conferencing device or input/output devices.

Claims 6, 19, 36 and 49 were rejected based on the allegation that CCUG teaches displaying an error message if the selected audio conference device is not compatible with the selected input or output (to ensure proper input-output mapping). The Office Action referenced page 9 of CCUG for this teaching. However, the referenced text does not mention any type of error message and is only concerned with properly setting a signal activity level for an input port such that a Signal Activity LED for the port will be lit under the proper sonic conditions. The referenced text does not have anything to do with compatibility between a selected audio conferencing device and selected inputs and/or outputs.

Claims 7, 20, 37, 50, 65, and 71 were rejected based on the allegation that CCUG teaches that step (e) (using the set up program to electronically map the inputs and outputs to input and output ports on the audio conference device) is accomplished automatically by the set up program (the Signal Activity LEDs mapped to the inputs and outputs of the System Page). Page 8 of CCUG was referenced for this rejection. However, the Signal Activity LEDs simply indicate the signal activity of an input or output and has nothing to do with electronically mapping the inputs and outputs to input and output ports on the audio conference device.

Claims 8, 21, 38, 51, 66, and 72 were rejected based on the allegation that CCUG teaches coupling the selected inputs and outputs to the input and output ports on the audio conference device in accordance with a map created by the set up program. The Office Action references page 15 of CCUG for this teaching. Page 15 is directed to a Mixer feature of the audio conferencing device that allows a user to map an input to an output

with an arbitrary gain setting. This feature has nothing to do with coupling selected inputs and outputs to the input/output ports on the audio conferencing device.

Claims 11, 24, 41, and 54 were rejected based on the allegation that CCUG teaches that the set up program is executed on execution of the user interface software (insert disk into CD-ROM drive and run the set up program). Page 2 of CCUG was referenced for this teaching. This rejection is deficient for several reasons. First, the Office Action has not alleged anything taught by CCUG as being the user interface software and thus has not alleged a prima facie case of anticipation because it has not alleged that every element of the claim is met. Further, assuming arguendo that the set up program referenced on page 2 (i.e., the installation program) is the set up program of the claim and that Conference Composer is the user interface program (which is contradictory to the other rejections articulated in the Office Action wherein Conference Composer is cited as performing tasks required by the claims to be performed by the set up program), claim 11 still cannot be met because claim 11 would require the set up program to be executed upon executing Conference Composer. This makes no sense because page 2 of CCUG teaches that the set up program must be executed so as to install Conference Composer on the computer in the first place.

Regarding claims 27 and 57, the installation program described on page 2 of CCUG cannot be the set up program recited in the claims, for reasons already stated above. Further, the labeling of ports illustrated in Fig. 6 cannot be the selecting of audio output for reasons described above. Still further, claims 27 and 57 require that the audio conferencing device be chosen automatically to be compatible with the selected inputs and outputs. But according to Fig. 6 and page 8 of CCUG, the audio conferencing device has to be chosen and displayed before the output port can be labeled (i.e., before inputting the text labels for outputs). Thus, the allegation that inputting the text label for the output port is choosing an output contradicts the allegation that audio conferencing device is automatically chosen based on the selected output, because the audio conferencing device must be chosen before the output port can be labeled (i.e., before choosing an output).

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In view of the above, Applicant respectfully submits that all of the pending claims are allowable. A Notice of Allowance is respectfully requested at the earliest possible date.

Should the Examiner have any questions or concerns that can be addressed via telephone, the Examiner is invited to contact the undersigned attorney at 832-446-2437.

Respectfully submitted,


__September 6, 2007__          __/Raymond Reese/__
Date          R. Scott Reese, Reg. No. 47,891


## *CUSTOMER NO. 29855*

WONG, CABELLO, LUTSCH,
 RUTHERFORD & BRUCCULERI, L.L.P.
20333 SH 249, Suite 600
Houston, Texas 77070
832-446-2400 phone
832-446-2424 fax